

REMARKS

This Response is submitted in reply to the Final Office Action dated July 9, 2008. A Terminal Disclaimer is submitted herewith. Claims 20 and 23 to 38 are currently pending in this application. Claims 36 to 38 were previously withdrawn. Claim 20 is in independent form. Applicant has amended Claims 26 and 33. No new matter has been added by such amendments. Please charge Deposit Account No. 02-1818 for all payments due in connection with this Response.

Drawings

The Office Action objected to the drawings as failing to comply with 37 C.F.R. 1.84(p)(5) because referenced character '5' was not mentioned in the description. Applicant has amended the specification to add the referenced character in the description. Accordingly, Applicant submits such amendment overcomes such objection.

Claim Objections

The Office Action objected to dependent Claims 26, 33 and 34 because Claims 26 and 33 depend from canceled claims. Applicant has amended Claims 26 and 33 to depend directly from independent Claim 20. Accordingly, Applicant submits that such amendments overcome such objections.

Claim Rejections – 35 U.S.C. § 102

The Office Action rejected Claims 20, 23 to 27, 31, 32 and 35 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,606,722 to Haimi-Cohen ("Haimi-Cohen"). Applicant respectfully disagrees with, and traverses, such rejections.

Independent Claim 20 includes, among other elements, "suppressing an error concealment in the voice decoder if the text/voice indicator indicates that the data is cellular text telephone modem text data" (emphasis added). Haimi-Cohen fails to teach the foregoing claimed elements for at least the following reasons.

Haimi-Cohen discloses “an error-correcting Baudot communications system which employs error correction which is transparent to systems not employing corresponding error correction.” (Abstract). Fig. 3 of Haimi-Cohen is set forth below:

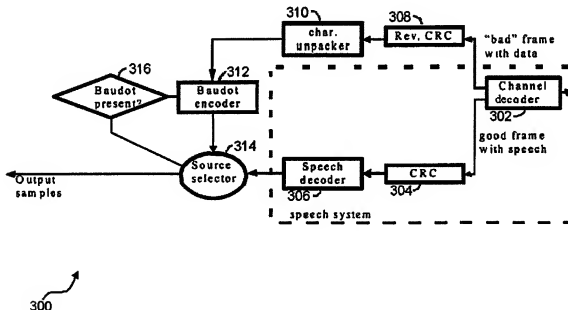


Fig. 3

More specifically, Column 6, Lines 16 to 47 of Haimi-Cohen discloses:

FIG. 3 illustrates a Baudot-capable error correcting receiver 300 according to the present invention. The receiver 300 includes a channel decoder 302, CRC decoder 304 and speech decoder 306, as well as a reverse CRC decoder 308, character unpacker 310, Baudot encoder 312, source selector 314 and Baudot present flag 316. The Baudot present flag 316 is supplied as a control to the source selector 314. When the receiver 300 receives a Baudot input from a transmitter such as the transmitter 100 of Fig. 1, input will be received at the channel decoder 302 and simultaneously passed to the CRC decoder 304 and the reverse CRC decoder 308. The reverse CRC decoder 308 will detect the reversed CRC in the bad frame packet preceding the Baudot signal and the character unpacker 310 will extract the characters from the bad frame packet and feed them into the Baudot encoder 312. Upon receiving the characters, the Baudot encoder 312 will set the Baudot present flag. The Baudot encoder 312 will convert the characters into a Baudot signal and pass it to the source selector 314. During the time in which the Baudot encoder 312 generates the signal, the Baudot present flag 316 will remain set, causing the source selector 314 to ignore the output of the speech decoder 306 and pass the output of the Baudot encoder 312. As a result, any distortion caused by bad frames, speech coding and the like will be eliminated. The CRC decoder 304

and the speech decoder 306 will also be producing a signal, but this signal will be ignored by the source selector 314. Once the Baudot generation is finished and the Baudot encoder 312 is not receiving any more characters, the Baudot encoder 312 will clear the Baudot present flag 316 and the source selector 314 will select the output of the speech decoder 306 as the output of the receiver 300. (emphasis added)

Regarding independent Claim 20, page 3 of the Office Action stated that Haimi-Cohen teaches:

suppressing an error concealment in the voice decoder if the text/voice indicator indicates that the data is cellular text telephone modem text data (col. 6, lines 9-15 in Haimi-Cohen teaches that Prior Art speech decoders do not distinguish Baudot-encoded text telephony signals from speech signals; col. 6, lines 15-55 in Haimi-Cohen teaches that the Speech Decoder of Figure 3 distinguishes from the Prior Art in the use Baudot-encoded text reversed CRC indicator allowing for the suppression of error concealment in the voice decoder by providing a bypass mechanism for Baudot-encoded text).

Applicant respectfully disagrees and submits that Haimi-Cohen does not disclose a method for decoding data received via a communications network, the method including “suppressing an error concealment in the voice decoder if the text/voice indicator indicates that the data is cellular text telephone modem text data” as currently claimed. As stated above and shown in Fig. 3, when the receiver 300 receives a Baudot input (i.e., text data) from a transmitter of Haimi-Cohen, such Baudot input is received at the channel decoder 302 and simultaneously passed to the CRC decoder 302 and the reverse CRC decoder 308. During the time in which the Baudot encoder 312 generates the signal, the Baudot flag 316 causes the source selector to ignore the output of the speech decoder 306. The CRC decoder 304 and the speech decoder 306 produce signals, but this signal is ignored. That is, although the signals produced from the CRC decoder 304 and the speech decoder 306 are ignored, the error concealment mechanism of these decoders is still enabled and not suppressed. There is no discussion in Haimi-Cohen about suppressing (i.e., temporarily disabling) the error concealment if a text/voice indicator indicates that the data is cellular telephone modem text data.

On the other hand, the method of independent Claim 20 includes, among other elements, “suppressing an error concealment in the voice decoder if the text/voice indicator indicates that the data is cellular text telephone modem text data” (emphasis added). For at least these reasons, it is respectfully submitted that independent Claim 20 is patentably distinguished over Haimi-Cohen and in condition for allowance.

Dependent Claims 23 to 27, 31, 32 and 35 depend either directly or indirectly from independent Claim 20 and are also allowable for the reasons given with respect to Claim 20 and because of the additional features recited in these claims.

Claim Rejections – 35 U.S.C. § 103

The Office Action rejected dependent Claims 28 to 30, 33 and 34 under 35 U.S.C. 103(a) as being unpatentable over Haimi-Cohen in view of U.S. Patent No. 6,029,264 to Kobayashi et al. (“Kobayashi”). Applicant respectfully disagrees and submits that regardless of whether or not it would have been obvious to one skilled in the art to modify Haimi-Cohen with Kobayashi, neither Haimi-Cohen or Kobayashi individually, nor the method resulting from the combination of Haimi-Cohen and Kobayashi anticipate or render obvious a method including “suppressing an error concealment in the voice decoder if the text/voice indicator indicates that the data is cellular text telephone modem text data” as currently claimed. Moreover, it would not have been obvious to one of ordinary skill in the art to modify Haimi-Cohen with Kobayashi to result in such a method without reasonably being construed as improper hindsight reconstruction. On the other hand, the method of Claim 28, includes, among other elements, “suppressing an error concealment in the voice decoder if the text/voice indicator indicates that the data is cellular text telephone modem text data” (emphasis added). For at least these reasons, Applicant respectfully submits that Claim 28 is patentably distinguished over Haimi-Cohen in view of Kobayashi and in condition for allowance.

Claims 29, 30, 33 and 34 each include certain similar elements to Claim 28. For reasons similar to those discussed above with respect to Claim 28, Claims 29, 30, 33 and 34 are each patentably distinguished over Haimi-Cohen in view of Kobayashi and in condition for allowance.

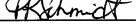
Double Patenting

The Office Action rejected all pending claims based on nonstatutory type double patenting with respect to copending application No. 10/523,326. A Terminal Disclaimer to overcome this rejection is hereby submitted.

An earnest endeavor has been made to place this application in condition for formal allowance and is courteously solicited. If the Examiner has any questions regarding this Response, Applicant respectfully requests that the Examiner contact the undersigned.

Respectfully submitted,

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